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IN RE:

Case No. 122-41414-NHL

MENDEL PANETH,

Hon. NANCY HERSHEY LORD
NOTICE OF MOTION

Debtor.

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PLEASE TAKE NOTICE, that upon the within application, Krista Preuss, Chapter 13 Trustee will move this court before the Hon. Nancy Hershey Lord, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, on April 30, 2025 at 9:30 AM or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. 1307(c) dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

PLEASE TAKE FURTHER NOTICE, that any hearing on the within application will be held by telephone or video conference only. No in-person hearing will be held in the Courthouse.

All participants (including attorneys, clients, and pro se parties) shall register their appearances through the Court's eCourt Appearances program, by following the instructions set forth on the Court's website, at <https://www.nyeb.uscourts.gov/content/judge-nancy-hershey-lord>. Once registered, eCourt Appearances will email the dial-in information to each participant. Those registering with eCourt Appearances for hearings in less than 48 hours should allow up to 15 minutes after registration to receive the email with the telephone number. Those unable to access eCourt Appearances must email Judge Nancy Hershey-Lord's Courtroom Deputy at: nhl_hearings@nyeb.uscourts.gov at least two (2) business days prior to the hearing. Your email must include your name, the case number(s), who you represent (if you are an attorney), hearing date, and phone number.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Krista Preuss, Esq., no later than seven (7) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules for the Eastern District of New York and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: Jericho, New York
April 10, 2025

/s/ Krista Preuss
KRISTA PREUSS, TRUSTEE
100 JERICHO QUADRANGLE, STE 127
JERICHO, NY 11753
(516) 622-1340

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IN RE:

Case No: 122-41414-NHL

MENDEL PANETH,

Hon. NANCY HERSHEY LORD

APPLICATION

Debtor.

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TO THE HONORABLE NANCY HERSHEY LORD U.S. BANKRUPTCY JUDGE:

Brian P. Schechter, Staff Attorney to KRISTA PREUSS, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 13 on June 19, 2022, and, thereafter, KRISTA PREUSS was duly appointed and qualified as Trustee.

2. The Debtor's proposed Amended Chapter 13 Plan (hereinafter the "Plan"), dated August 29, 2023 and reflected in the Court's docket as number 146, provides for a monthly Plan payment of \$1000.00 per month for a period of 2 months; \$3,100.00 per month for a period of 5 months; and \$1,900.00 per month for a period of 53 months. The Plan proposes full repayment to all filed general unsecured proofs of claim.

3. Furthermore, the Debtor has failed to:

- a. comply with 11 U.S.C § 1325(a)(6) in that the Debtor has failed to submit timely Chapter 13 Plan payments to the Trustee, and is \$5,700.00 in arrears through and including March 2025; and
- b. file verified monthly operating reports as required by 11 U.S.C. §1304, Fed. R. Bankr. P. 2015(c)(1)(A), and E.D.N.Y. LBR 2015-1. Last filed operating report was for period September 21, 2023 – October 21, 2023.

4. A delay has occurred that is prejudicial to the rights of creditors. The case must be dismissed under 11 U.S.C. § 1307(c)(1) and (c)(5).

5. Each of the foregoing constitutes cause to dismiss this Chapter 13 case within the meaning of 11 U.S.C. §1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case, and such other and further relief as may seem just and proper.

Dated: Jericho, New York
April 10, 2025

s/Brian P. Schechter
Brian P. Schechter, Staff Attorney
Chapter 13 Trustee Krista Preuss

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

MENDEL PANETH,

Debtors.

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Case No: 122-41414-NHL

CERTIFICATE OF SERVICE

I, Brian P. Schechter, declare under penalty of perjury that I have sent the attached document to the below listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

Notice by first class mail was sent to the following persons/entities:

MENDEL PANETH
85 BOLIVAR STREET
STATEN ISLAND, NY 10314

Dahiya Law Offices
75 Maiden Lane, Suite 606
New York, New York 10038

Ditommaso Real Estate
113 New Dorp Plaza
Staten Island, New York 10306

Merlino & Gonzalez
394 Manor Road
Staten Island, NY 10314

Notice by electronic transmission generated by the ECF system to the following person/entities pursuant to Bankruptcy Rule 9036:

PAUL HOLLENDER, ESQ., info@silawfirm.com
Freedom Mortgage, c/o McCalla Raymer, et al, linda.st.pierre@mccalla.com
Yosef Freund, c/o Rachel Blumenfeld, Esq, rachel@blumenfeldbankruptcy.com
Infinite Solutions NY, JCR Pinting, Kidline Enterprises, Chaim Kohn, David Reiner, Yossi Reiner and
Tele-Go Inc., c/o Backenroth Frankel et al, mkfrankel@bfrklaw.com
Morrison Cohen c/o Drinker Biddle et al, hrosenblat@morrisoncohen.com

Transmission times for electronic delivery are Eastern Time zone.

This April 10, 2025

/s/Brian P. Schechter
Brian P. Schechter, Staff Attorney
Office of the Standing Chapter 13 Trustee
Krista Preuss
100 Jericho Quadrangle; Ste 127
Jericho, NY 11753
(516) 622-1340

CASE NO: 122-41414-NHL
Hon. NANCY HERSHEY LORD

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

MENDEL PANETH,

Debtor.

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NOTICE OF MOTION AND APPLICATION TO DISMISS CASE

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KRISTA PREUSS, TRUSTEE
100 JERICO QUADRANGLE, STE 127
JERICO, NY 11753
(516) 622-1340